THE CAUSES AND RESULTS OF OUR WAR WITH SPAIN FROM A LEGAL STANDPOINT.

In considering some of the legal questions relating to the cause and results of the recent war with Spain, I shall assume the facts to be as stated by President McKinley in his message to Congress, of date April 11, 1898. Without consuming time in detailed quotations from the message, it is sufficient for the present purpose to call attention, in a general way, to the main facts pointed out.

Spain was engaged, and had been for a long time, in the effort to subdue her rebellious subjects in Cuba. At first the contest was conducted with reasonable regard for the requirements of civilized war. Finding herself unable to subdue the rebellion in this legitimate way, Spain finally resorted to the unwarranted extreme of herding non-combatants, aged tillers of the soil, women and children, within the confines of towns, or their immediate vicinage, and there subjecting them to such treatment that great misery, starvation and death necessarily resulted. Out of three hundred thousand of the agricultural population so confined, at least fifty per cent. met their expected doom, and the balance were left in a state of physical and mental dwarfage destined to materially affect them and their posterity forever. Whatever may have been the declared or ostensible purpose of this cruel and unusual war measure, we may safely charge that the real purpose was to starve out of existence the revolutionary stock, and with it a revolution which Spain had been unable to suppress by legitimate warfare.

Again, according to the facts stated by the President with much detail, our material interests and national safety were seriously affected by a continuation of the war. He says, in substance, that the lives, liberty and property of our citizens were in constant danger, and that the continuance of the war was a constant menace to our peace. While both the President, in his proclamation, and Congress, in its act, declaring war, alluded to the destruction of the "Maine" as one of the facts in the case, neither of them claimed that it, under the circumstances of uncertainty and doubt existing at the time concern-

ing its cause, had then developed into a sufficient justification for the declaration of war.

The war must, therefore, stand for its justification on the ground of humanity and Christian civilization, and on the other ground of injury and danger to our material interests and national welfare. Or, as President McKinley tersely expressed it, "In the name of humanity, in the name of civilization, on behalf of endangered American interests, * * * the war in Cuba must stop."

Upon one or both of these grounds must our conduct in declaring war with Spain be vindicated when impartial history deals with it. Can it stand the test? In my opinion, yes, and for the following reasons.

We are here to-day the greatest and best exponent of constitutional self-government in the world.

We believe that such a government is the only one under which civil liberty and the freedom of the individual can thrive. We believe that Absolutism in any form is derogatory to man's welfare, whether considered as an individual, or as a member of society. When, therefore, the people of any country are striving to throw off the yoke of tyranny, it well becomes our duty to extend to them, so far as we may do so, consistent with our national policy, and consistent with principles of international law—such sympathy and aid as lies in our power. We have a national policy generally known as the Monroe Doctrine. While I do not intend to invoke this doctrine as, in itself, a justification of the war, I believe that it had largely to do with bringing the island of Cuba into that condition which justified, if indeed it did not in honor require, our intervention, to protect Spanish subjects from the weak and degenerate government which such policy had largely conduced to bring about. That doctrine, so heroically asserted by us in the case of the Venezuela boundary line, means, in its broad and comprehensive sense, that this hemisphere is dedicated to liberty. It expressly denounces colonization here by European powers, or the extension of their systems here.

By reason of the adoption and enforcement of the Monroe Doctrine as a settled policy of this government, as might be reasonably expected, the entire western hemisphere has been practically converted to the principles of liberty and constitutional government. Witness the fact that in all South and Central America there is scarcely a vestige left of colonial relationship to any monarchical government. Republics, founded in the main after that of the United States, have taken their

places. At the breaking out of the last Cuban rebellion, the island of Cuba (with Porto Rico) was substantially all that Spain had left of her once magnificent and extensive colonial possessions in North and South America. Her government and sway over Cuba, conforming to the natural law of decay incident to repressed and unexpanding institutions of every kind, had become weak and powerless. Many of her subjects were in a constant state of revolt. She could not enforce her laws, sustain life, preserve property, or satisfactorily discharge any of the great functions of government.

She had been engaged in a relentless warfare with these subjects for the period of three years, to say nothing of the preceding rebellions, and in her vain and frenzied effort to pacify them she finally, under the pretext of a war measure, reached the acme of cruelty already alluded to—starvation of non-combatants. "This," the President says, "was not civilized warfare. The only peace it could beget was that of the wilderness and the grave." In this state of things Spain's desperate subjects appealed to us. They claimed to desire, and claimed they were fit for, self-government. Here we stood, a nation professing to be a Christian nation, observant of the laws and practices of Christian warfare, and claiming to dominate this continent with our principles of freedom, liberty and representative government. This distressed people was practically at our threshold, and much nearer to us in point of distance than to any other strong power of the earth.

This simple statement of the case seems to me to demand instantaneous judgment in favor of intervention on our part on the grounds of humanity alone; and this certainly will be the case unless inflexible rules of international law forbid.

International law may be comprehensively defined to be a system of principles recognized by the Christian nations of the earth in governing their intercourse with each other, and in the treatment of each other's subjects, conformable to principles of natural justice. There is no international tribunal or board for administering this law. It depends for its sanction chiefly upon a strong moral sentiment, disposed to conform to that standard of right which Christian nations voluntarily recognize. As a last resort, war is the final arbiter. Can the Christian nations of the earth reasonably say that the United States, in putting an end to a war at our very threshold, conducted on barbarous methods, inflicting in this year of Grace, 1898, medieval barbarities and cruelties upon her subjects—violated natural rights or justice? If not, such act on our part was not violative of any

principle of international law. In discussing this feature of the subject, I am free to admit that, as a general rule of international law, "no government is authorized to render assistance to provinces or colonies in revolt against the established government," Woolsey on International Law, Sec. 42. This rule, I submit, cannot be the dictate of the law of Christian nations, when the established government violates all Christian principles, and resorts to a barbarous, cruel and unusual mode of warfare, such as that resorted to by Spain against her revolting subjects. So manifestly is this the case, that among the several exceptions to the general rule alluded to, writers on international law admit that when "some extraordinary state of things is brought about by the crime of the government against its subjects," other nations are justified in interfering on their behalf. Spain's treatment of her non-combatant subjects was a crime; unwarranted by the rules of civilized warfare, and violative of the principles of natural justice.

I therefore believe that impartial history will justify our armed intervention to suppress the Cuban war, on the broad ground that the dictates of Christian civilization and humanity demanded it of us.

For another reason, also, our intervention was justifiable. Every nation of the earth has the undoubted right, incident to sovereignty, to protect itself. We need not look to constitutions, enabling acts, or written expressions of international law for authority to protect ourselves against a condition of things which in the language of the President, "had become intolerable." The long continued menace to the lives and liberties of our people, the destruction of our property, the injury to our commerce, and last, but not least, the destruction of the "Maine" in the harbor of Havana, with its full complement of officers and men, whether intentional or unintentional on the part of the Spanish authorities—presented a condition of things dangerous to our peace and destructive to our interests. It was high time for our government to assert its sovereign right to protect itself, and, in my opinion, for this reason also, no principle of right, no standard of international law, and no just obligations toward Spain were violated by the declaration of war on our part.

I have, in what has already been said, stated the grounds of our justification in waging war with Spain, in rather of a summary way, without stopping to quote authority or precedent, in order that I may devote more time and attention to the interesting and vital questions connected with the termination of the war.

Within less than four months after the declaration of war, as a result of one of the most heroic, aggressive and successful campaigns by land and sea which the world has ever witnessed, Spain was compelled to sue for peace, and on August 12, 1898, caused to be signed in her behalf a provisional agreement, commonly called a protocol, by which she agreed to relinquish, without reservation, all claim of sovereignty and title to Cuba (and thus was accomplished the entire purpose for which the war was begun). She also agreed to cede to the United States, Porto Rico and one or two other small islands of the West Indies over which she exercised sovereignty, together with one island in the Ladrones group, in the Pacific, to be selected by the United States. She also turned over the possession of the city, harbor and bay of Manilla in the Philippines group, to be held by the United States pending the conclusion of a treaty of peace which is to determine the control, disposition and government of the entire Philippines group.

By virtue of the foregoing, we find ourselves practically in possession of the situation; with Cuba, Porto Rico, the Philippines, and a part or all of the Ladrones, subject to our disposition. Commissioners appointed by the United States and Spain are now in session, nominally to agree upon a treaty of peace and determine the extent of our acquisitions, but really to formulate the demands of the United States with respect thereto. Their determinations must soon be subject to the consideration and approval of the United States Senate. What should be the character and extent of these demands?

The Constitution of the United States, the great chart under which we have so long safely sailed, and under which we must continue our voyage so long as we desire to be a free people, dedicated to the principles of civil liberty and constitutional government, contains but two provisions at all applicable to the present situation.

First: Section III, Article 4, ordains as follows: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Second: The same section and article ordains as follows: "New states may be admitted by the Congress into this Union."

The first provision above referred to, history informs us, was made with special reference to the government and disposition of the great northwest territory, consisting of that portion of territory ceded by Great Britain, or, more accurately

speaking, acknowledged by Great Britain to be the property of the United States by the Treaty of Paris of September 3, 1783. This territory lies west of the western boundaries of the thirteen original states, south of the Great Lakes and east of the Mississippi river, and was ceded to the United States prior to the adoption of our Federal Constitution by the several states to which it belonged under Royal Charters. The Supreme Court of the United States has said that this provision conferring upon Congress power to make all needful rules and regulations respecting the territory of the United States relates exclusively to that northwest territory, which was then the subject-matter of consideration, and has no application to other territory subsequently acquired. Such construction was put upon this provision in an elaborate and exhaustive consideration of it in the famous Dred Scott case, 19 Howard 393. I have referred to this provision and called attention to the construction placed upon it by the Supreme Court, because of the claim made by publicists whose articles I have recently read, that it confers direct constitutional power upon Congress to govern any part of the territory which the United States may acquire according to its own will, with no limitations thereon whatsoever; and this provision has been especially referred to as conferring the right to govern such territory as a colony or dependency, such as the Crown Colonies of Great Britain.

In the light of this decision, holding that Congress derives no power from this provision of the Constitution to govern any of the newly acquired territory, we must look to that other provision of the Constitution already quoted, conferring upon Congress the power to admit new states into the Union, for authority to deal with or govern such territory as we may ultimately become possessed of.

Even if for the sake of argument it should be admitted that the provision of the Constitution conferring power upon Congress to make needful rules and regulations respecting the territory of the United States could apply to any of our newly acquired territory, it is clear that such provision must be read in connection with the other provision referred to. The two taken together conclusively show that no unlimited power was conferred upon Congress in this respect. The power to make needful rules and regulations is to be exercised *sub mode*, that is to say, in the light of the purpose to be subserved by the exercise of the power, and that is, to fit the newly acquired territory for admission into the Union as states. It is thus seen that whether the power to govern territory is directly con-

ferred by the constitutional provision referred to, or is to be implied from the power conferred to admit new states into the Union, is practically immaterial. The result is the same. The government provided for must be such as is adapted to subserve the only purpose contemplated by the Constitution providing for it.

At the time of the acquisition of the great Louisiana territory, in 1803, it was strenuously debated by many statesmen that there was no power lodged in the government, by the Constitution or elsewhere, to enlarge the territory of the United States by new acquisitions. Without special reference to the vigorous debates on this subject, it is sufficient to say that such contention has long ago been settled, and such power, namely, the power to acquire additional territory, is now fully recognized by the legislative, executive and judicial departments of the government.

It may not be inappropriate, however, to call attention, in a general way, to the source of this power: First, all powers expressly conferred by the Constitution necessarily include any and all other powers requisite for their efficient exercise, hence the continuing power lodged in Congress to admit new states into the Union necessarily implies the power to acquire new territory out of which to make them. Again, the power to acquire territory may be implied from the power expressly conferred upon Congress and the executive to make war and conclude treaties. In concluding peace with nations with which we have been at war, oftentimes the necessity exists, as in the case with Spain at the present day, of taking territory as an indemnity against the cost of war, in lieu of money. This power, in a limited degree, may also arise from and exist as a right incident to sovereignty, implied from the necessity of maintaining and defending national existence. This necessity is ordinarily satisfied by the taking of coaling stations, naval supply stations and the like.

From whatever source the power to acquire territory is derived, it is clear that it exists in the national government, and may be exercised according to the wise discretion of the executive and legislative departments. It is also perfectly clear that the acquisition of new territory, for whatever reason, can have but one legitimate object and purpose in view, and that is, to secure territory for ultimate statehood. And there can be but one general character of government devised for such territory, and that is, a government adapted to fit its inhabitants for statehood. In other words, under the Constitu-

tion of the United States, as it now stands, statehood is the ultimate destiny of all territory belonging, or which may belong, to this nation. The reasons for this doctrine, as well as the doctrine itself, are so clearly and tersely expressed in the opinion of the court in the great Dred Scott case, that I shall take the liberty of quoting somewhat at length therefrom. The court, amongst other things, says: "This brings us to examine by what provision of the Constitution the present federal government, under its delegated and restricted powers, is authorized to acquire territory outside of the original limits of the United States. * * * There is certainly no power given by the Constitution to the federal government to establish or maintain colonies bordering on the United States, or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new states. * * * No power is given to acquire territory to be held and governed permanently in that character" (that is, as a dependent colony). * * * "The power to expand the territory of the United States is plainly given, and in the construction of this power by all the departments of government, it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation entitle it to admission. It is acquired to become a state and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting new states is committed to the sound discretion of Congress, the power to acquire territory for that purpose to be held by the United States until it is in a suitable condition to become a state, upon equal footing with the other states, must rest upon the same discretion. * * * A power, therefore, in the general government, to obtain and hold colonies and dependent territories over which it might legislate without restriction, would be inconsistent with its own existence in its present form. Whatever it acquires it acquires for the benefit of the people of the several states who created it. It is their trustee acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted. At the time when the territory in question (which was the Louisiana Purchase) was obtained by cession from France, it had no population fit to be associated together and admitted as a state, and it therefore was absolutely necessary to hold possession of it as a territory belonging to the United States, until it was settled and inhabited by a civilized community, capable of self-government and in

a condition to be admitted on equal terms with the other states as a member of the Union. But until that time arrives it is undoubtedly necessary that some government should be established in order to organize society and to protect the inhabitants in their person and property, and to gather there a population which would enable it to assume the position to which it was destined among the states of the Union."

My attention has been called to several decisions of the Supreme Court of the United States, notably to the cases of National Bank v. Yankton, 101 U. S. 129; Murphy v. Ramsey, 114 U. S. 15; Mormon Church v. U. S., 136 U. S.; and Insurance Co. v. Canter, 1 Peters 511, and other cases, which hold, in effect, that Congress has plenary power over territory belonging to the United States, and may legislate directly for its government, and from such power, which is unquestionable, the argument is indulged by some writers that Congress may acquire territory with the predetermination of governing it despotically, and may afterwards hold and govern it indefinitely and perpetually as a colony, with no reference to, or purpose for, ultimate statehood. With all due respect for the opinion of such writers, I confidently assert that there is no substantial authority for such doctrine. As already seen, Congress is given the power to prescribe a government, and such a government as in its wisdom, honesty and discretion, seems best for such territory. But in the conference of this power Congress was made a trustee, to inaugurate and maintain such a government over any newly acquired territory as to fit it for its ultimate destiny as a state of the Union, and I find no authority in the cases cited, or elsewhere, questioning this fundamental doctrine laid down so ably in the case from which I have quoted. This doctrine is reiterated in 1893, in the case of Shively v. Bowlby, 152 U. S. (1). In this case Mr. Justice Gray, delivering the opinion of the Supreme Court, amongst other things, says: "And the territories acquired by Congress, whether by deed or cession from the original states, or by treaty with foreign countries, are held with the object, as soon as their population and condition justified, of being admitted into the Union of states upon an equal footing with the original states, in all respects." It is a scandalous argument to say that, because Congress has power to inaugurate such a system of government for newly acquired territory as to it seems best to accomplish a certain purpose, that it will inaugurate any government not calculated to subserve that purpose.

Judging from history and from the past treatment of new territory, no such dishonesty or breach of trust can fairly be imputed to Congress. In all cases the form of government devised for any newly acquired territory has been in the line of self-government. The people have been allowed to enact their own laws; provide for and collect taxes for their own government; establish inferior courts and determine their jurisdiction and duties, and, in a general way, to conduct their own affairs.

The ordinance for the government of the Northwest territory of July 13, 1787, was the first provision of Congress on this subject. A perusal of this ordinance shows that it contains many of the great and salutary principles of Magna Charta and the Declaration of Independence. In addition to these, it contains provision for a legislative assembly as soon as 5,000 free male inhabitants are found in the district. And such, in a general way, have been the provisions made for government of all the territory hitherto acquired by the United States. In fact, as early as March 2, 1805, a government containing many of the elements of local representative government was organized for the territory of Orleans, which was acquired as a part of the great Louisiana Purchase by treaty with France in 1803. The balance of that extensive territory was kept under the sole legislative supervision and control of Congress for a little while longer; only, however, until June 4, 1812, when an act was passed by Congress giving to the remaining portion of that purchase the same character of local self-government. But I may be asked if the case of Alaska is not an exception to this general rule? It is true that Congress has not, up to the present time, authorized the people of that territory to elect a legislative assembly, or otherwise take any action for their own government.

This territory is still governed by direct legislation of Congress, but there are excellent reasons for the delay in establishing local self-government for it. It is enormous in its area and so sparsely populated that its inhabitants could scarcely ever meet together. It has an area of 531,000 square miles, and a population, according to the last census, of only 32,000, including Indians. Of this number only 4,298 are white inhabitants. This makes only one white inhabitant to about every 125 square miles of territory. It is thus seen that there are not enough white inhabitants to fill the necessary offices for governing such an extensive territory, and certainly there would be no inhabitants to be governed if these officers could be elected.

From the foregoing exposition of the constitutional duties imposed upon Congress, in acquiring and governing new territory, and from the uniform course of legislation on the part of Congress concerning the government of such territory, three propositions seem to be clear:

First: That such territory must be acquired with the purpose and intent of creating out of it new states for our Federal Union.

Second: That after its acquisition such provisional government must, within a reasonable time, be organized over it as will most effectively conduce to qualification for statehood, and

Third: As a corollary to the foregoing two propositions it necessarily follows that no territory can be acquired to be permanently governed by the Congress of the United States as a dependent colony.

Such being the clear duty cast upon Congress by the Constistution, as interpreted by the highest judicial tribunal of our nation, it may readily be assumed that in any case where duty harmonizes with the ambition and interests of men in securing the honors and emoluments incident to statehood, the ultimate destiny of any newly acquired territory into statehood will be realized as rapidly as any of its portions may be found to be, or may hereafter become, ready for statehood. The disposition of Congress in the matter of erecting states out of territorial belongings is familiar to all. A glance at a few recent cases is sufficient to evince our national policy in this regard.

Nevada was admitted as a state into the Union in 1864 with a population, according to the census of 1860, of only 6,857.

North Dakota was admitted in 1889 with a population of about 180,000.

South Dakota was admitted in 1889 with a population of about 325,000.

Montana was admitted in 1889 with population of about 130,000.

Wyoming was admitted in 1889 with a population of about 60,000.

Idaho was admitted in 1890 with a population of about 84,000.

Utah was admitted in 1896 with a population, according to the census of 1890, of 207,905.

Whether the manifest haste to create states out of our territory is due to a zealous consideration of the rights and interests of the people as a whole, or to the ambitions of men, is unimportant for our present purpose. The fact remains that

the policy of our government in recent times has been to create a state out of a given territory as soon as any reasonable pretext or excuse can be given for so doing. In view of all these things, what can we reasonably expect in regard to our new acquisitions? The laws of Spain as they exist must clearly be administered, for a time at least, until a new order of things can be established. The military arm of our government must enforce these laws, to the end that peace and tranquillity shall prevail; but manifestly such is but a temporary expedient. As soon as Congress can give the necessary attention to it, some permanent system of government must be devised. While the form and character of such government is left to the sound discretion of the legislative department, it must be presumed that Congress will so exercise its discretion as to conform to our national principles. We are a government of the people, by the people and for the people. We are the great example and teacher of civil liberty and constitutional self-government. Not only so, but the Congress of the United States is under a positive obligation, ordained by the Constitution, to so govern any such territory as to prepare it for statehood. In addition to this, each and every member of Congress takes a solemn oath to maintain and defend the Constitution, which is the Supreme Law of the land. Of course then, in all cases where there is any considerable population, some form of popular government will be speedily devised for it. There will be no taxation without representation. There will be no government without the consent of the governed. Assuming that these fundamental principles and obligations will be observed, how does the case stand with respect to Porto Rico? By the provisional agreement already made, she now stands ceded to the United States. She is an island of 3,500 square miles in area, or about three-fourths of the size of the state of Connecticut. Her population is at least three-quarters of a million, or more by nearly one hundred thousand than Connecticut possesses. She is, in the language of Mr. Story, who has recently written an article on the subject, "a well established, intelligent, civilized community, whose population is more intelligent than the majority of mankind." According to reports made to me by soldiers who have recently come from Porto Rico, her internal improvements have advanced to a considerable degree of perfection. One-tenth of her population, at least, are independent, self-respecting Spaniards. The balance of her population (consisting mainly of creoles and mulattoes) without doubt is as intelligent a class of people as that which we, in our recon-

struction policy at the close of the War of the Rebellion, deemed worthy of elective franchise and capable of self-government. It is true that her civilization is not of the Anglo-Saxon, liberty-loving kind. Her people are taught in the civilization of the Latin school, but this circumstance will stand as little in the way of the influence of a few hundred ambitious Americans who will soon find their way there, as the cowboy civilization of Wyoming, Nevada and Montana stood in the way of the ambitious emigrant to those territories. In other words, taking into consideration all things which bear upon the question as already considered, Porto Rico will probably, in a very few years, become one of the sovereign states of the American Union, with two august Senators and five or six members of Congress, chosen by her voters to make the laws for our people.

And as for Cuba; pursuant to the magnanimous and unselfish policy promulgated to the world at the inception of the war, she must, *nolens volens*, be reconstructed into a stable, independent government of her own selection. While I believe that the expression of this purpose was on the part of our government at the time sincere, and that some government nominally answering to that description will, within a reasonable time, be established there, and while we owe our aid in the matter of organizing a government there to the insurgents and revolutionists of Cuba, as a just and honorable obligation to an ally in the prosecution of the war, yet such a government, in the nature of the case, cannot be a permanent one, and the same considerations which I have already expressed in relation to Porto Rico, and the example fresh before us of the acquisition of Texas and Hawaii, which formed independent, popular governments of their own, and which were shortly thereafter annexed to the territory of the United States, induces me to believe that history will repeat itself in the case of Cuba. Within the lifetime of many of us the Independent Republic of Cuba, which must of necessity be organized, will be annexed to the territory of the United States, and the same inevitable destiny of statehood in the American Republic awaits her.

But I may be asked if we cannot change our policy, amend our Constitution and enter upon a new career as a nation, such as will permit us to hold dependent colonies and organize a government for them corresponding to the character and needs of the people, whether the same are in the line of self-government or otherwise; and whether the same be adapted to fit such people for statehood or not? Of course we can do so. The will

of the people, deliberately formed, will find some avenue for its execution. But how difficult it will be to lawfully bring about such a change clearly appears, when we consider how deeply the notions of freedom and local self-government have been incorporated into the breasts of our people by the many trying ordeals and sacrifices which have marked our progress as a nation from the days of 1776 to the present time. Our national literature, our orations great and small, our songs, our life, have drawn their inspiration from the immortal words of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are Life, Liberty and the Pursuit of Happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed." And from those no less memorable words of our Constitution: "We, the People of the United States, in order to establish Justice * * * *and secure the blessing* of liberty to ourselves and our posterity, etc., do ordain and establish this Constitution of the United States of America."

It will be no easy task, when the proposition of the imperialists or expansionists to establish a system of dependent colonies or dependencies, to be governed arbitrarily by Congress without the consent of the governed, or to erect any other government than one founded on the immortal principles of liberty and self-government, is presented to the sober, conservative thought of this nation—to secure a departure from these deeply-rooted, salutary and vital principles. This is more readily seen when it is called to mind that the necessary amendments to our Constitution which must be secured in order to inaugurate such a colonial or provincial system, must receive the sanction and approval of the Legislatures of three-fourths of all the states, and the concurring vote of two-thirds of both Houses of Congress.

I believe the time is far distant when we cannot find at least twelve states of this Union ready and willing to say that the principles of liberty and freedom under the banners of which we have so successfully sailed the Ship of State so far, shall still be our watchword in our future career as a nation.

For these reasons also, as well as those already presented, it seems to me that Porto Rico and Cuba, already practically ours by reason of the facts stated, and by reason also of an almost universal present public sentiment, must inevitably, sooner or later, be merged into our national life as a component part of our Federal Union.

If I may be permitted to express an opinion concerning this probable consumation of the Porto Rican and Cuban question, I do not hesitate to say, that considering their close proximity to our territory, the fertility and abounding resources of their soil, the unquestionable commercial and strategic advantages appertaining to their ownership and control, the same will not be an unmixed evil. They are, in effect, at our threshold, and may well be appropriated and employed, amongst other things, as available domestic guards to our extensive and unprotected coast from the mouth of the Mississippi to the entrance of the Potomac. At any rate, considering the fact that these islands are now either actually ceded to us, or so situated that they must speedly be so, we may as well make a virtue of the necessity, and contemplate with serenity the advantages that will accrue to us.

In view of the foregoing considerations, it becomes apparent that in dealing with the subject of the Philippines and Ladrone Islands, we must assume, at the outset, that whatever territory we there acquire (other than possibly for a coaling or naval supply station), must be acquired with the purpose of ultimately utilizing it for the creation of additional states in our Federal Union. As is said by Mr. John G. Carlisle in a recent article written by him on "Our Future Policy," "The Philippine Islands, with a population of eight or ten millions, must, unless we are to violate the organic law of the land and hold and govern them perpetually as conquered provinces, be erected within a reasonable time into several states, each with two Senators, and altogether having thirty or forty representatives."

If we acquire these islands, or any considerable portion of them, we must, therefore, deliberately determine "to violate the organic law of the land," undermine the foundation upon which we have builded for over a century, and expose our country to experiments at once revolutionary and dangerous; or we must deliberately determine that it is a wise policy to extend our present territorial state and federal system so as ultimately to absorb these islands of the China Sea into our Federal Union as states, upon an equal footing with all others.

No advocate of constitutional self-government; no believer in the immortal principles of our Declaration of Independence, in fact, no law abiding citizen ought to or can advocate the first of these alternatives, and there are many unanswerable reasons of policy rather than law, in my opinion, why the second alternative, that of ultimate statehood, should not prevail.

ELMER B. ADAMS.